

Notice of Allowability

Application No.

10/568,072

Examiner

KARUNA P. REDDY

Applicant(s)

UKAI ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/31/2009.
2. ☒ The allowed claim(s) is/are 1,2,7,8 and 11-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/1/2009.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/K. P. R./
Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796

DETAILED ACTION

1. It is noted that, implicit support for the amendment in independent claim 1 to include "vinyl chloride monomer" as the gelling agent when liquid A contains thermoplastic resin selected from the group consisting of polyvinyl chloride and vinyl chloride-vinyl acetate copolymer can be found in the teaching that gelling agent can mean monomer of a thermoplastic resin (page 4, lines 15-21) and in particular when the liquid A compounds an acrylic resin as a thermoplastic resin, a monomer used in the polymerization can be used as a gelling agent (page 10, lines paragraph 0017).

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Whitney Wilson on 7/1/2009.

3. Specifically, claims are amended as follows -
 - i. Claim 1 - delete "type" after "core-shell" (line 6) and delete "type" after "gradient" (line 7).
 - ii. Claim 1 - replace "esters" (lines 9 and 10) with "ester monomers" and replace "chloride monomers" (line 10) with "chloride monomer".

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- iii. Claim 1 - insert ", wherein gelling time of the mixture of liquids A and B is from 30 seconds to 60 minutes at room temperature after mixing, wherein when the thermoplastic resin is selected from the group consisting of core-shell acrylic resins and gradient acrylic resins, the gelling agent is selected from the group consisting of acrylate ester monomers and methacrylate ester monomers, and wherein when the thermoplastic resin is selected from the groups consisting of polyvinyl chloride and vinyl chloride-vinyl acetate copolymers, the gelling agent is vinyl chloride monomer" after "liquid A and liquid B" (line 14) and before "." (line 14).
 - iv. Claim 7 - delete "thereof" after "curing agent" (line 4) and before "." (line 4).
 - v. Claim 10 - cancelled.
 - vi. Claim 11 - delete ", and gels within a period of time from 30 seconds to 60 minutes at room temperature after application" after "sprayable viscosity (line 4) and before "." (line 6).
4. Specification is amended as follows -
- Insert "A two part curable composition wherein the gelling time of the mixture of liquids A and B is from 30 seconds to 60 minutes at room temperature after mixing" before "Brief Description Of The Drawings" (page 8, line 4) and after "subsequent treating steps of the parts." (page 8, line 3).

Statement of Reasons for Allowance

5. Present claims are allowed over the closest prior art for the following reasons -

- i. It is noted that the present claims are amended to recite a specific combination of non-aqueous thermoplastic resin in liquid A (core-shell acrylic resins, gradient acrylic resins, polyvinyl chloride, vinyl chloride-vinyl acetate copolymer) and gelling agent in liquid B (acrylate ester monomers and vinyl chloride monomer), wherein the composition gels at room temperature within a period of from 30 seconds to 60 minutes at room temperature.
- ii. Schwartz et al teach elastomeric plastigels prepared from both polyvinyl and polyacrylate resins with a compatible plasticizer and organic gelling accelerator (such as ethylene glycol monoacetate) wherein the elastomeric plastigels gel in from three to seven minutes; Takegawa et al teach two-part adhesive comprising an aqueous adhesive and a gelling agent, wherein aqueous adhesive includes acrylate resins and polyvinyl chloride resins to which can be added a plasticizer; Gerhard et al teach two part composition, one part comprising a thermoplastic resin and plasticizer, and the second part comprising a plasticizer; and Kösters teaches a plastisol composition, based on selected plasticizers and acrylic polymer, which gels upon heating.
- iii. Thus, the closest prior art, viz., Schwartz et al (US 2, 872, 429), Takegawa et al (US 4, 386, 992), Gerhard et al (EP 0 433 069 A2), Kösters (US 4, 874, 890), taken individually or in combination, do not disclose or suggest a two-part curable composition comprising the specific combination of thermoplastic resin in liquid A and gelling agent in B, wherein the composition gels at room temperature in from 30 seconds to 60 minutes upon mixing liquid A and liquid B.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARUNA P. REDDY whose telephone number is (571)272-6566. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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